



Attorney Docket No.: P-3558-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): WHITT, Michael A. et al. Examiner: Not Yet Known

Serial No.: 10/656,894 Group Art Unit: 1642

Filed: September 8, 2003

Title: RECOMBINANT MUTANTS OF RHABDOVIRUS AND METHODS OF USE THEREOF

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98, this Information Disclosure Statement includes Form PTO/SB/08:

1.  listing documents including patents, publications and other information for consideration by the Examiner, however, since the subject application was filed after June 30, 2003, copies of United States patents and/or United States patent application publications are not included in this information disclosure statement; and/or
2.  listing documents including patents, publications and other information that have been previously cited or submitted to the Patent Office in prior application U.S. Serial No. \_\_\_\_\_, filed \_\_\_\_\_ which is properly identified and relied on for an earlier effective filing date under 35 U.S.C. 120 for consideration by the Examiner; however, in accordance with 37 C.F.R. 1.98(d), copies of such documents are not included in this information disclosure statement; and/or
3.  listing documents including patents, publications, and other information for consideration by the Examiner, copies of which are included with this information disclosure statement;
4.  listing other information for the Examiner's consideration which was cited in a communication from a foreign patent office in a counterpart foreign application, a copy of which is included with this information disclosure statement.

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The information herein cited is only in fulfillment of Applicant(s) duty of candor in disclosing all information brought to Applicant(s) attention. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art". If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant(s) reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant(s) further reserve(s) the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each and every document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application and is evidence that the Examiner has considered the document.

This Information Disclosure Statement is being filed:

I)  Within three (3) months of filing the subject Application or entry of the subject Application into the national stage or before mailing of the first Office Action on the merits of the subject Application or a request for continued examination thereof, whichever event occurs last pursuant to of 37 C.F.R. §1.97 (b); or

II)  After the period specified in (I) but before the mailing date of either a final Official Action under 37 C.F.R. §1.113 or a notice of allowance under 37 C.F.R. §1.311 whichever occurs first and;

1.  the undersigned hereby states that each item of information listed on the Form PTO-1449 was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement or (ii) not cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, not known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this information disclosure statement; or

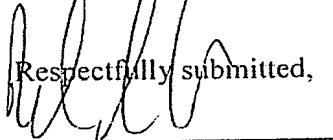
APPLICANTS: WHITT, Michael A. et al.  
SERIAL NO.: 10/656,894  
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2.  the undersigned hereby authorizes the Patent Office to charge the fee in the amount of \$180.00 under 37 C.F.R. §1.17 (p) to Deposit Account 50-3355.

III)  After the period in (I) and (II) but before the payment of the issue fee and,

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  - b)  that no items of information contained in Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; and
2.  The undersigned hereby authorizes the Patent Office to charge the Petition fee in the Amount of \$180.00 under 37 C.F.R. §1.17 (p) to Deposit Account 50-3355.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-3355.

  
Respectfully submitted,

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Mark S. Cohen  
Attorney/Agent for Applicant(s)  
Registration No. 42,425

Dated: May 30, 2006

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<p>Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.</p> <p>Substitute for form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p><i>(use as many sheets as necessary)</i></p>				<b>Complete if Known</b>	
				Application Number	10/656,894
				Filing Date	September 8, 2003
				First Named Inventor	WHITT, Michael A.
				Art Unit	1642
				Examiner Name	Not Yet Known
Sheet	1	of	4	Attorney Docket Number	P-3558-US

U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

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The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including the gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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(use as many sheets as necessary)				Examiner Name	Not Yet Known
Sheet	2	of	4	Attorney Docket Number	P-3558-US

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
	N	GAUDIN, et al (1999) "Mutations in the glycoprotein of viral hemorrhagic septicaemia virus that affect virulence for fish and the pH threshold for membrane fusion. Journal of General Virology, vol. 80, 1221-1229			<input type="checkbox"/>
	O	SCHNELL, et al (1998) "Requirement for a non-specific glycoprotein cytoplasmic domain sequence to drive efficient budding of vesicular stomatitis virus. EMBO Journal, vol. 17, no. 5, 1289-1296.			<input type="checkbox"/>
	P	ROSE et al, Rhabdoviridae: The viruses and their replication, in Fields Virology, Chapter 8, 4 <sup>th</sup> edition, pp. 1221-1244, 2001			<input type="checkbox"/>
	Q	WHITT M A, "Genetic Manipulation of Rhabdoviruses: New Insights to Virus Replication, Transcription and Assembly" (1998) The Journal of Microbiology 36. 1-8,			<input type="checkbox"/>
	R	MAR et al "A conserved CATTCCCT motif is required for skeletal muscle-specific activity of the cardiac troponin T gene promoter" (1988) Proc Natl Acad Sci USA 85:6404			<input type="checkbox"/>
	S	MADER, S. et al "A steroid-inducible promoter for the controlled overexpression of cloned genes in eukaryotic cells" (1993) Proc Natl Acad Sci USA 90:5603-5607			<input type="checkbox"/>
	T	SPENCER, D M et al (1993), Science 262:1019-102, American Association for the advancement of Science.			<input type="checkbox"/>
	U	MANOME, Y et al. "Coinduction of c-jun Gene Expression and Internucleosomal DNA Fragmentation by Ionizing Radiation" (1993) Biochemistry 32:10607-10613, American Chemistry Society			<input type="checkbox"/>
	V	DATTA, R et al "Ionizing radiation activates transcription of the EGR1 gene via CarG elements" (1992) Proc. Natl Acad. Sci. USA Volume 89.10140-10153, Biochemistry			<input type="checkbox"/>
	W	FUERST T R et al "Eukaryotic transient-expression system based on recombinant vaccinia virus that synthesizes bacteriophage T7 RNA polymerase" (1986) Proc. Natl. Acad. Sci. USA 81:8122-26, Biochemistry			<input type="checkbox"/>
	X	USDIN et al "SP6 RNA Polymerase Containing Vaccinia Virus for Rapid Expression of Cloned Genes in Tissue Culture" (1993) BioTechniques Volume 14:222-224			<input type="checkbox"/>

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	Y	BUSKIN Jean N. et al "Identification of a Myocyte Nuclear Factor That Binds to the Muscle-Specific Enhancer of the Mouse Muscle Creatine Kinase Gene" Molecular and Cellular Biology, 1989, P. 2627-2640			<input type="checkbox"/>
	Z	NOLAN, Garry P., Harnessing Viral Devices as Pharmaceuticals: Fighting HTV-1's Fire with Fire, Cell, Vol. 90, pp. 821-824, September 5, 1997			<input type="checkbox"/>
	AA	DOLTER, Karen E. et al, Incorporation of CD4 into Virions by a Recombinant Herpes Simplex Virus Journal of Virology, Vol 67, No 1, pp 189-195, January 1993.			<input type="checkbox"/>
	BB	FUERST, Thomas R. et al., Use of a Hybrid Vaccinia Virus-T7 RNA Polymerase System for Expression of Target Genes, Molecular and Cellular Biology, Vol. 7, No.7, pp. 2538-2544, July 1987.			<input type="checkbox"/>
	CC	GALMICHE, Marie C. et al, Expression of a functional single chain antibody on the surface of extracellular enveloped vaccinia virus as a step towards selective tumor cell targeting, Journal of General Virology Vol. 78, pp 3019-3027, November 1997.			<input type="checkbox"/>
	DD	JOHNSON, J Erik et al, Specific Targeting to CD4+ Cells of Recombinant Vesicular Stomatitis Viruses Encoding Human Immunodeficiency Virus Envelope Proteins. Journal of Virology. Vol. 71, No. 7, pp. 5060-5068, July 1997.			<input type="checkbox"/>
	EE	LAMB, Robert A., MINIREVIEW: Paramyxovirus Fusion: A Hypothesis for Changes Virology. Vol. 197, pp. 1-11, 1993			<input type="checkbox"/>
	FF	MARIN, Mariana et al., Targeted Infection of Human Cells via Major Histocompatibility Complex Class I Molecules by Moloney Murine Leukemia Virus-Derived Viruses Displaying Single-Chain Antibody Fragment-Envelope Fusion Proteins. Journal of Virology. Vol. 70, No. 5, pp. 2957-2962, May 1996			<input type="checkbox"/>
	GG	MEBATSION, Teshome et al., Budding of Rabies Virus Particles in the Absence of the Spike Glycoprotein Cell Vol. 84, pp 941-951, March 22, 1996.			<input type="checkbox"/>
	HH	RODRIGUEZ et al Regulated Expression of Nuclear Genes by T3 RNA Polymerase and lac Repressor, Using Recombinant Vaccinia Virus Vectors" (1990) J. Virol 64: 4851-4857, American Society for Microbiology			<input type="checkbox"/>
	II	BALTIMORE David et al "Ribonucleic Acid Synthesis of Vesicular Stomatitis Virus, II An RNA Polymerase in the Virion" Proceedings of the National Academy of Sciences, Vol. 66, No. 2, pp. 572-576, June 1970			<input type="checkbox"/>
	JJ	CHU, Te-Hua Tearina et al., "Toward Highly Efficient Cell-Type Specific Gene Transfer with Retroviral Vectors Displaying Single-Chain Antibodies", Journal of Virology, Vol. 71, No. 1, pp. 720-725, Jan 1997.			<input type="checkbox"/>

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	KK	PATTNAIK, Asit K. et al., Cells that express all five proteins of vesicular stomatitis virus from cloned cDNAs support replication, assembly, and budding of defective interfering particles Proc. Natl. Acad. Sci. USA. Vol. 88, pp. 1379-1383, February 1991			<input type="checkbox"/>
	LL	PATTNAIK, Asit K. et al., Infectious Defective Interfering Particles of VSV from Transcripts of a cDNA Clone, Cell, Vol 69, pp 1011-1020, June 12, 1992			<input type="checkbox"/>
	MM	PATTNAIK, Asit K. et al., Replication and Amplification of Defective Interfering Particle RNAs of Vesicular Stomatitis Virus in Cells Expressing Viral Proteins from Vectors Containing Cloned cDNAs Journal of Virology, Vol. 64, No 6, pp 2948-2957, June 1990.			<input type="checkbox"/>
	NN	SCHNELL, Matthias J. et al., Foreign glycoproteins expressed from recombinant vesicular stomatitis viruses are incorporated efficiently into virus particles. Proc. Natl. Acad. Sci. USA. Vol. 93, pp. 11359-11365, October 1996			<input type="checkbox"/>
	OO	SCHNELL, Matthias J. et al., Infectious rabies viruses from cloned cDNA. The EMBO Journal Vol 13, No. 18, pp. 4195-4203, 1994			<input type="checkbox"/>
	PP	SCHNELL, Matthias J. et al., Construction of a Novel Virus That Targets HTV-1-Infected Cells and Controls HTV-1 Infection, Cell, Vol. 90, pp. 849-857, September 5, 1997			<input type="checkbox"/>
	QQ	STILLMAN, Elizabeth A et al. Replication and Amplification of Novel Vesicular Stomatitis Virus Minigenomes Encoding Viral Structural Proteins, Journal of Virology, Vol. 69, No. 5, pp. 2946-2953, May 1995.			<input type="checkbox"/>
	RR	TAKADA, Ayato et al., A system for functional analysis of Ebola virus glycoprotein. Proc. Natl. Acad. Sci. USA, Vol. 94, pp. 14764-14769, December 1997			<input type="checkbox"/>
	SS	WERTZ, Gail W et al., Extent of terminal complementarity modulates the balance between transcription and replication of vesicular stomatitis virus RNA, Proc. Natl. Acad. Sci. USA, Vol. 91, pp. 8587-8591, August 1994			<input type="checkbox"/>
	TT	WHELAN, Sean P J et al., Efficient recovery of infectious vesicular stomatitis virus entirely from cDNA clones, Proc. Natl. Acad. Sci. USA, Vol. 92, pp. 8388-8392, August 1995			<input type="checkbox"/>
	UU	YOUNG, John A. T. et al., Efficient Incorporation of Human CD4 Protein into Avian Leukosis Virus Particles, Science. Vol. 250, pp. 1421-1423, December 7, 1990			<input type="checkbox"/>
	VV	BLONDEL, et al Role of Matrix Protein In Cytopathogenesis of Vesicular Stomatitis Virus Journal of Virology vol. 64 no. 4 1716-1725			<input type="checkbox"/>

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